

Via EFS
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Attorney Docket No.: 39700-530001US/NC17189US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST NAMED INVENTOR:	Khiem Le	CONFIRMATION NO. :	6982
SERIAL NUMBER :	09/756,232	EXAMINER :	Jean M. Corrielus
FILING DATE :	January 9, 2001	ART UNIT :	2162
FOR :	ROBUST AND EFFICIENT COMPRESSION OF LIST OF ITEMS		

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicants submit herewith this Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(b) in the above-referenced allowed application accompanied by the \$200.00 fee as required by § 1.18(e). Applicants believe no additional fees are due with the filing of this Request. However, if any fees are required, Applicants hereby authorize the Commissioner to charge such fee, or credit any overpayment in fees, to Deposit Account No. 50-0311; Customer Number 64046; Reference Number: 39700-530001US/NC17189US.

Applicants received a Notice of Allowance and Fees Due from the U.S. Patent and Trademark Office, mailed November 24, 2009, which stated that the Patent Term Adjustment under 35 U.S.C. 154(b) to date is 108 days. The determination of this 108 day term is in error because the USPTO failed to properly account for the delays that occurred before the date that was three years after the actual filing date of the instant application, in light of *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir. Jan. 7, 2010). The correct patent term adjustment for the patent issuing from the instant application is at least 203 days.

The instant application was filed on January 9, 2001. The instant application will presumptively issue as a patent no later than Tuesday, May 25, 2010, which is the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of the Notice of Patent Term Adjustment.

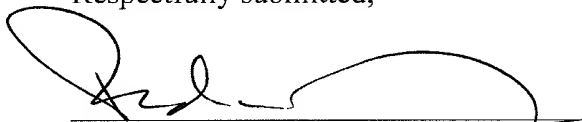
Under 35 U.S.C. § 154(b)(1)(A), the number of days attributable to USPTO examination delay ("A Delay") is 457 days.

Under 35 U.S.C. § 154(b)(1)(B), the number of days between the date that was three years after the date on which the instant application was filed (January 9, 2001) and the estimated date of patent grant (May 25, 2010), but not including the period consumed by continued examination of the instant application is 779 days. The overlap between the "A Delay" period and the "B Delay" period is 95 days.

Under 35 U.S.C. § 154(b)(1)(C), the number of days attributable to Applicant delay ("C Delay") is 349 days.

Applicants thereby petitions the U.S. Patent and Trademark Office for reconsideration of the patent term adjustment calculation of $457 - 349 + 95$, or 203 days, based on the facts provided herein.

Respectfully submitted,



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